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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,164	12/27/2005	Jaume Terradas Prat	B31237US	2468
73896	7590	02/15/2008	EXAMINER	
Raymond R. Ferrera 1221 McKinney Street, Suite 4400 Houston, TX 77010			RASHID, MAHBUBUR	
			ART UNIT	PAPER NUMBER
			3683	
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			02/15/2008 PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/524,164

Applicant(s)

PRAT ET AL.

Examiner

MAHBUBUR RASHID

Art Unit

3683

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Inventor's Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Claims 1, 9 and 11 are amended.

Claim 2 is cancelled.

Claim Objections

Claim 11 is objected to because of the following informalities: in line 1, "(Original)" should be -- (Currently amended) -- since the applicant amended the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1 and 3-11** are rejected under 35 U.S.C. 102(b) as being anticipated by Carmelo (DE 19829514).

Regarding **claim 1**, Carmelo discloses an operating mechanism (fig. 1, (18)) for actuating at least one parking brake, particularly for motor vehicles, comprising:

a first driving unit (fig. 1, (1)) for driving a first actuating element (fig. 1, (3)); and

a second driving unit (fig. 1, (2)) for driving a second actuating element (fig. 1, (6) and (7)), characterized in that the second actuating element engages said first actuating

element (fig. 1, (3)); and the first actuating element (fig. 1, (3)) is configured as a nut (fig. 1, (3)) and the second actuating element (fig. 1, (6) and (7)) configured as a spindle (fig. 1, (6) and (7)), and wherein the spindle (fig. 1, (6) and (7)) is screwed into the nut (fig. 1, (3)), in order to cause a relative movement of the first actuating element with respect to the second actuating element in order to tighten or to release at least one braking cable (fig. 1, (8) and (9)) for actuating of the at least one parking brake.

Re-claim 3, see the electric motor (fig. 1, (1) and (2)) and the gearbox (fig. 1).

Re-claim 4, see the driving pinion (fig. 1, "the long shafts with gear teeth that is connected with the motors (1 and 2) and the gears (28 and 30)), the support body (fig. 1, (24) and (26)) and the shaft connection (fig. 1, "the long shafts with gear teeth that is connected with the motors (1 and 2) and the gears (28 and 30)).

Re-claim 5, see the splined shaft connection (fig. 1, "the long shafts with gear teeth that is connected with the motors (1 and 2) and the gears (28 and 30)).

Re-claim 6, see the braking cable (fig. 1, (8) and (9)) connected to support bodies (fig. 1, (24) and (26)).

Re-claim 7, see page 3, paragraph 2.

Re-claim 8, see housing (fig. 1, (18) "the rectangular box").

Regarding **claim 9**, Carmelo discloses an operating mechanism (fig. 1, (18)), comprising a pair of two actuating elements (fig. 1, (3), (6) and (7)), engaging each other in order to cause a relative movement of the actuating elements, wherein a first driving unit (fig. 1, (1)) drives a first actuating element and a second driving unit drives (fig. 1, (2)) a second actuating element, and wherein for tightening or releasing of at

least one braking cable (fig. 1, (8) and (9)), and the driving units are driven with the same as well as with the opposing rotational direction (see page 2, paragraph 5).

Re-claim 10, see the driving unit (fig. 1, (1) and (2)) ((see page 3, paragraph 2).

Re-claim 11, see (page 2, paragraph 5).

Response to Arguments

Applicant's arguments filed 11/15/2007 have been fully considered but they are not persuasive.

Regarding the remarks on page 11, the examiner notes that the independent claims 1 and 9 do not disclose anything about the driving motors run with the same rotation direction but different rotational speed. However, Carmelo clearly discloses in the specification that the device (22) is increased or reduced by manipulation at least one of the drives/motors (1 and 2) depending upon direction of rotation. Furthermore Carmelo discloses first (3) and second ((6) and (7)) actuating elements as claimed.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MAHBUBUR RASHID whose telephone number is (571)272-7218. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on (571) 272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 3683

Supervisory Patent Examiner, Art
Unit 3683